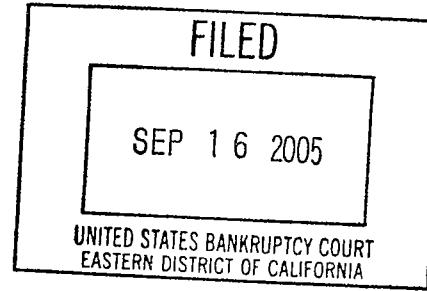


(4)



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-27467-C-7
MICHELLE E. HUBBARD,) DC No. PGM-01
Debtor.)
_____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

Findings of Fact

On August 16, 2005, debtor filed a motion, notice, and certificate of service to redeem a 2004 Suzuki Quad for \$1,000 pursuant to 11 U.S.C. § 722. A hearing was scheduled for September 13, 2005 to consider the motion. Upon review of the record, the court determined that the written record was adequate and that no oral argument was necessary.

In reviewing debtor's proof of service, the court notes that debtor served American General Finance as follows: 5311

29

1 Elkhorn Blvd., Sacramento, CA 95842.
2
3

Conclusions of Law

4 Federal Rule of Bankruptcy Procedure 9014(b) requires
5 that a motion initiating a contested matter "shall be served
6 in the manner provided for service of a summons and
7 complaint by Rule 7004." Fed. R. Bankr. P. 9014(b).

8 Federal Rule of Bankruptcy Procedure 7004(b) (3)
9 provides in pertinent part:

10 Except as provided in subdivision(h), in
11 addition-to the methods of service
12 authorized by Rule 4(e)-(j) F.R.Civ.P.,
13 service may be made within the United
14 States by first class postage prepaid as
15 follows... Upon a domestic or foreign
16 corporation or upon a partnership or
17 other unincorporated association, by
18 mailing a copy of the summons and
complaint to the attention of an
officer, a managing or general agent, or
to any other agent authorized by
appointment or by law to receive service
of process and, if the agent is one
authorized by statute to receive service
and the statute so requires, by also
mailing a copy of the defendant.

19 Fed. R. Bank. P. 7004(b) (3).

20 Here, debtor's service of motion does not comply with
21 the requirement to serve the motion to the attention of an
22 officer or other agent authorized as provided in Rule
23 7004(b) (3). Beneficial California, Inc. v. Villar (In re
24 Villar), 317 B.R. 88, 93 (9th Cir. BAP 2004). The court
25 notes that a corporation's agent for service of process may
be identified by visiting the California Secretary of
26 State's website at www.ss.ca.gov. The website contains a
link to the "California Business Portal" which provides an

1 online service titled "California Business Search."
2 Therein, corporate information, including the agent for
3 service of process, may be obtained by entering the
4 corporation's name in the search engine.

5 Accordingly, the motion is denied.

6 An appropriate order will issue.

7 Dated: September 16, 2005

8
9
10 UNITED STATES BANKRUPTCY JUDGE

1 **CERTIFICATE OF SERVICE**

2 On the date indicated below, I served a true and
3 correct copy(ies) of the attached document by placing said
4 copy(ies) in a postage paid envelope addressed to the
5 person(s) hereinafter listed and by depositing said envelope
6 in the United States mail or by placing said copy(ies) into
7 an interoffice delivery receptacle located in the Clerk's
8 Office.

9 Michelle Hubbard
10 769 E Cherrywood PL
11 Chandler, AZ 85249

12 Law Offices of Peter Macaluso
13 910 Florin Road, Suite 111
14 Sacramento, CA 95831

15 American General Finance
16 5311 Elkhorn Blvd.
17 Sacramento, CA 95842

18 Frederick Lucksinger
19 P.O. Box 2460
20 Rocklin, CA 95677

21 Office of the United States Trustee
22 United States Courthouse
23 501 "I" Street, Suite 7-500
24 Sacramento, CA 95814

25 Dated: SEP 19 2005

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